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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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26615	7590	02/08/2005	EXAMINER	
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			BAUM, RONALD	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,103

Applicant(s)

SHAMBROOM, W. DAVID

Examiner

Ronald Baum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in reply to applicant's correspondence of 27 October 2004.
2. Claims 1-37 are pending for examination.
3. Claims 1-37 remain rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,13,14,26, and by dependency, claims 2-12,15-25,27-37, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the phrase "... does not store ..." in the context of a computer, processing element, or network node (i.e., "the network server") renders the claim indefinite, at the very least by virtue of the fact that said computer, processing element, or network node must inherently store all working data that is so processed by the local processing element (i.e., the CPU internal registers, L1/L2 level intermediate memory, working stack, etc.). Therefore a practitioner in the art would be at a loss to implement the claimed non-storing, per se, "network server". For the sake of applying art, the examiner will assume the broadly accepted definition of the "network server" as an element that is inclusive of at least some working storage, in the broadest meaning of the phrase.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-37 remain rejected under 35 U.S.C. 102(e) as being anticipated by Kung, U.S. Patent 5,241,594.

6. As per claim 1; "A method for providing secure communication of commands from a client to a plurality of hosts via a network server [figure 1-3 and accompanying descriptions], comprising:

utilizing authentication information and credentials cache information within the network server to facilitate the secure communications, wherein the network server does not store either the authentication information or the credentials cache information;

receiving at least one command from the client [col. 2, line 12-col. 3, line 39, col. 4, lines 60-col. 7, line 23, (i.e., the TELNET request/response inclusive of the authentication sequence)];

initiating one or more remote execution processes for processing the at least one command [col. 2, line 12-col. 3, line 39, col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process];

transmitting the at least one command to one or more of the hosts via the one or more remote execution processes [col. 2, line 12-col. 3, line 39, col. 4, lines 60-col. 7, line 23];

obtaining, from the one or more remote execution processes, data associated with the one

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or more hosts executing the at least one command [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, whereas the authentication process will clearly produce a result that is sent back through the communications path];

formatting the data [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, whereas the authentication process will clearly produce a result that is sent back through the communications path in some specified and pre-designated or standard format]; and sending the formatted data to the client [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23].”;

Further, as per claim 13; this claim is the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

Further, as per claim 14; this claim is the software computer-readable medium claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

Further, as per claim 26; this claim is the server part of the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

7. Claim 2 ***additionally recites*** the limitation that; “The method of claim 1, further comprising:

determining a maximum number of remote execution processes that may run simultaneously.”.

The teachings of Kung suggest such limitations (col. 2,line12-col. 3,line 39, whereas the central server system clearly determines “who” it’s communicating with (i.e., the number of such

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network nodes) so that the server knows what to control (i.e., “who” is authenticated), and therefore sent commands associated with the access to resources, etc.);

Further, as per claim 15; this claim is the software computer-readable medium claim for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection;

Further, as per claim 27; this claim is the server part of the system claim for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection.

8. Claim 3 *additionally recites* the limitation that; “The method of claim 2, wherein the initiating includes:

creating no more than the maximum number of remote execution processes to process the at least one command. ”.

The teachings of Kung suggest such limitations (col. 2,line12-col. 3,line 39, whereas the central server system clearly determines “who” it’s communicating with (i.e., the number of such network nodes) so that the server knows what to control (i.e., “who” is authenticated), and therefore sent commands associated with the access to resources, etc.), and clearly, as for the case for TELNET, is a specific (i.e., a maximum number) of open TELNET communications channels.);

Further, as per claim 16; this claim is the software computer-readable medium claim for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection;

Further, as per claim 28; this claim is the server part of the system claim for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

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9. Claim 4 ***additionally recites*** the limitation that; “The method of claim 1, further comprising:

determining whether any of the one or more remote execution processes is running.”.

The teachings of Kung suggest such limitations (col. 2, line 12-col. 3, line 39, whereas the authentication process will clearly produce a result that is sent back through the communications path, and further, the central server system clearly determines “who” it’s communicating with (i.e., the number of such network nodes) so that the server knows what to control (i.e., “who” is authenticated), and therefore sent commands associated with the access to resources, etc.);

Further, as per claim 17; this claim is the software computer-readable medium claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection;

Further, as per claim 29; this claim is the server part of the system claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

10. Claim 5 ***additionally recites*** the limitation that; “The method of claim 4, wherein the obtaining data includes:

waiting for one of the one or more remote execution processes to exit, and storing data from the one remote execution process.”.

The teachings of Kung suggest such limitations (col. 2, line 12-col. 3, line 39, whereas the authentication process will clearly produce a result that is sent back through the communications path, and further, the remote servers inherently will store data associated with the state(s) of any ongoing processing (i.e., building a formatted message (results of authentication) prior to communicating such information back through the communications path.);

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Further, as per claim 18; this claim is the software computer-readable medium claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection;

Further, as per claim 30; this claim is the server part of the system claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

11. Claim 6 ***additionally recites*** the limitation that; “The method of claim 1, wherein the formatting includes:

grouping data from each of the one or more remote execution processes, and
serializing the data.”.

The teachings of Kung suggest such limitations (col. 2, line 12-col. 7, line 23, whereas the authentication process will clearly produce a result that is sent back through the communications path in some specified and pre-designated or standard format. Further, since the network communications (i.e., remote servers/computer nodes to central (multiple logon) server to client server/computer node) is via secure transport layer protocol (ISO TCP/IP), the format of the data returning is inherently serial as to the packet to packet transfer following the authentication for each network node involved in the secure communications setup (i.e., authentication of passwords, etc.);

Further, as per claim 19; this claim is the software computer-readable medium claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection;

Further, as per claim 31; this claim is the server part of the system claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

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12. Claim 7 *additionally recites* the limitation that; “The method of claim 1, further comprising:

determining that another remote execution process needs to be initiated; and
initiating the other remote execution process.”.

The teachings of Kung suggest such limitations (col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process initiated. The system is clearly configured on a demand basis such that a second, and further subsequent, command would require further authentication, and therefore additional remote execution process initiations.);

Further, as per claim 20; this claim is the software computer-readable medium claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection;

Further, as per claim 32; this claim is the server part of the system claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

13. Claim 8 *additionally recites* the limitation that; “The method of claim 1, wherein the initiating includes:

creating a list of the one or more remote execution processes that have been initiated.”.

The teachings of Kung suggest such limitations (col. 2,line12-col. 3,line 39, whereas the authentication process will clearly produce a result that is sent back through the communications path, and further, the remote servers inherently will store data associated with the state(s) of any ongoing processing (i.e., building a formatted message (results of authentication) prior to

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communicating such information back through the communications path. It is inherent that the data structures of computers processing multiple instances (i.e., the state of remote execution processes) would be organized in a “list” structure, either in memory, or stored in mass storage (i.e., hard drive or equivalent mass storage media.);

Further, as per claim 21; this claim is the software computer-readable medium claim for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection;

Further, as per claim 33; this claim is the server part of the system claim for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection.

14. Claim 9 *additionally recites* the limitation that; “The method of claim 8, further comprising:

setting a time of an alarm event; and obtaining a status of the one or more remote execution processes on the list when the alarm event occurs.”.

The teachings of Kung suggest such limitations (col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to.);

Further, as per claim 22; this claim is the software computer-readable medium claim for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection;

Further, as per claim 34; this claim is the server part of the system claim for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection.

15. Claim 10 *additionally recites* the limitation that; “The method of claim 9, wherein the obtaining a status includes:

determining whether the next remote execution process has been running for a first amount of time, and

terminating the next remote execution process when the next remote execution process has been running for at least the first amount of time.”.

The teachings of Kung suggest such limitations (col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non-acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to. The examiner broadly interprets the “determining whether the next remote execution process has been running for a first amount of time, and terminating the next remote execution process when the next remote execution process has been running for at least the first amount of time” as the re-transmission

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sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result.);

Further, as per claim 23; this claim is the software computer-readable medium claim for the method claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection;

Further, as per claim 35; this claim is the server part of the system claim for the method claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection.

16. Claim 11 *additionally recites* the limitation that; “The method of claim 10, wherein the obtaining a status further includes:

determining whether the next remote execution process has been running for a second amount of time, the second amount of time being less than the first amount of time, and

setting a next alarm event when the next remote execution process has been running the second amount of time.”.

The teachings of Kung suggest such limitations (col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non-acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to. The examiner broadly

interprets the “determining whether the next remote execution process has been running for a first amount of time, and terminating the next remote execution process when the next remote execution process has been running for at least the first amount of time” as the re-transmission sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result. Further, the examiner broadly interprets the “...setting a next alarm event when the next remote execution process has been running the second amount of time...” to be the sequentially occurring event where a second non acknowledged packet transfer/connection setup error occurs.);

Further, as per claim 24; this claim is the software computer-readable medium claim for the method claim 11 above, and is rejected for the same reasons provided for the claim 11 rejection;

Further, as per claim 36; this claim is the server part of the system claim for the method claim 11 above, and is rejected for the same reasons provided for the claim 11 rejection.

17. Claim 12 ***additionally recites*** the limitation that; “The method of claim 11, wherein the obtaining data includes:

storing data from the next remote execution process when the next remote execution process has been running less than the first amount of time but at least the second amount of time.”.

The teachings of Kung suggest such limitations (col. 4, lines 60–col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational

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TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non-acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to. The examiner broadly interprets the “determining whether the next remote execution process has been running for a first amount of time, and terminating the next remote execution process when the next remote execution process has been running for at least the first amount of time” as the re-transmission sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result. Further, the examiner broadly interprets the “...setting a next alarm event when the next remote execution process has been running the second amount of time...” to be the sequentially occurring event where a second non acknowledged packet transfer/connection setup error occurs. The involved servers inherently will store data associated with the state(s) of any ongoing processing (i.e., building a formatted message (results of authentication, or re-transmission sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result) prior to communicating such information back through the communications path);

Further, as per claim 25; this claim is the software computer-readable medium claim for the method claim 12 above, and is rejected for the same reasons provided for the claim 12 rejection;

Further, as per claim 37; this claim is the server part of the system claim for the method claim 12 above, and is rejected for the same reasons provided for the claim 12 rejection.

Response to Amendment

18. As per applicant's argument concerning the lack of teachings or suggestion by Kung that "utilizing authentication information and credentials cache information within the network server to facilitate the secure communications, wherein the network server does not store either the authentication information or the credentials cache information," the examiner has fully considered the arguments and finds them not to be persuasive in light of the still present '112-2 rejections, as recited above, such that the 'broadly interpreted by the examiner' rejection criteria still applies. However, depending on the effect on the scope of the claims that the amending of the claims to encompass the '112-2 rejections are concerned with, the examiner interpretation of said prior art of record might clearly have a diminished effect on the lack of patentability.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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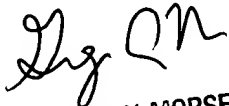
Conclusion

20. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 703-872-9306.

Ronald Baum

Patent Examiner


GREGORY MORSE
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